



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004583

Applicant Name : Amber Murray, Architect, for property owners

Address of Proposal: 951 – 22nd Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 447 square foot detached garage accessory to an existing single family residence.

The following approvals are required:

- **Variance** to allow an accessory structure (garage) to be less than 12-feet from the center line of the alley (10-feet) 23.44.014D6; and
- **Variance** to allow more than the maximum lot coverage (40.4%) 23.44.010C***

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

The approximately 6,480 square foot site is located in a Single Family (SF 5000) residential zone. The site is located on the east side of 22nd Avenue East, just south of East Prospect Street,

and one block north of the Holy Names Academy School. The subject property is an interior lot with existing vehicular access from a fully improved 16-foot wide alley. DPD mapping shows a steep slope Environmentally Critical Area (ECA) located on the site parallel to the 22nd Avenue East right-of-way. The subject site has approximately sixty feet of frontage on 22nd Avenue East, which is paved and improved with curbs, gutters and sidewalks on both sides of the street.

The existing 2-story house and detached garage were originally built in 1901. Vehicle access is from the improved 16-foot wide alley and the parking provided in a single-car detached garage located in the northwest corner of the lot, 0.6-feet north of the north side lot line, 2-feet east of the western rear lot line, and 10-feet from the centerline of the alley.

Development in the Vicinity

The surrounding zone is SF 5000 and the development in the vicinity consists of single family residences which are predominantly two or three stories. The block front slopes upward to the west and rises above the 22nd Avenue East right-of-way, which is mapped as a steep slope ECA. Vehicular access to the lots is predominantly from the improved alley running north-south and parallel to the street, and the majority of lots have private one or two car garages abutting the alley. The streets in the vicinity are improved to city standards. The Holy Names Academy is located one block south of the subject site.

Proposal Description

The existing garage was built in 1901 and is approximately 17-feet wide by 20-feet deep, and is located 2-feet east of the rear alley lot line and 10-feet from the centerline of the alley. The applicant proposes to expand the existing non-conforming garage approximately 86 square feet by continuing the west façade of the existing structure approximately 4-feet, 1½-inch to allow for the parking of two vehicles and maintaining the 10-foot distance to the centerline of the alley. The existing lot coverage for the site is 39.7% (approximately 2,768 square feet). To reduce the impact of the increased non-conformity created by adding 86 square feet to the garage, the applicant also proposes to remove an existing 42 square foot shed. Therefore the proposed garage addition represents an increase of approximately 44 square feet to the lot non-conforming lot coverage, bringing the final amount to 40.4%. The overall increase is less than 1%.

Public Comments

During the public comment period which ended May 24th, 2006, the City received no written comments related to the project.

ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

1. ***Because of the unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of the Lands Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity;***

Access to parking must be taken from the alley in single-family zones when the lot abuts a platted and improved alley, per SMC 23.44.016A2. The subject site provides vehicular access in accordance with this provision. The unusual condition applicable to the subject property is the location of the existing garage built in 1901 relative to the alley. While detached garages are permitted within required rear yards, SMC 23.44.014D6a requires that these structures setback 12-feet from the centerline of the alley when the vehicular access faces the alley. The existing garage is located only 10-feet from the centerline of the alley.

The applicant is proposing to expand existing non-conforming garage approximately 86 square feet by continuing the existing west façade 4-feet, 1 ½-inch to allow for the parking of two vehicles. Given the slightly wide opening of approximately 20-feet, some vehicle maneuvering can be accomplished inside the garage, and in combination with the 16-foot alley adequate backing and turning area is provided for the single-family use of the garage. The expanded garage will meet all other standards related to detached accessory structures and private garages per SMC 23.44.014D6, SMC 23.44.016 and SMC 23.44.042 including the maximum rear yard coverage of 40% , maximum structure size of 1,000 square feet, 12-foot height limit, and 5-foot minimum separation from the principal structure.

The non-conforming lot coverage is a pre-existing condition. The structure contains a covered entry porch that extends the entire length of the front façade which is typical of the housing styles when it was constructed. Given the changes in topography and the finished floor level which is above grade, entry features such as steps extend more than 18-inches above grade and are now included in lot coverage.

Of the 18 other residences that abut this alley, 16 have private garages and 10 of those are large enough to accommodate 2 cars (see diagram A provided by applicant in Land Use file). Based on aerial maps, many of these also appear to be less than 12-feet from the centerline of the alley. Therefore, the strict application of the Land Use Code would deprive the owners of the rights and privileges enjoyed by other property owners in the vicinity. The above criterion is satisfied.

2. ***The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The proposed expansion of the garage will result in the approximate interior dimensions 20-feet by 20-feet, a standard size for a two-car garage that allows for adequate room for car door openings and passage around parked vehicles. Expanding the existing garage by 4-feet, 1 ½-inch is a minimal width to achieve a two-car capacity by extending the existing structure.

To mitigate the increase in lot coverage created by the expanded garage, the applicant proposes to remove a 42 square foot shed from the rear of the garage, thus increasing the non-conformity to as minimum an extent as possible, less than 1%.

All other development standards for a private detached garage in this location are met. The structure is permitted within the required rear yard per SMC 23.44.014D6a. The proposed structure will cover 238 square feet of the required rear yard, or 18%, less than the 40% maximum coverage permitted by SMC 23.44.016D1. The total size of the detached garage is 447 square feet and the maximum size is 1,000 square feet. There are no proposed changes to the garage height, which is currently 10-feet, 3-inches high on the façade with the vehicle entry, below the 12-feet permitted under SMC 23.44.016D2. With the removal of the shed, it will be located 8-feet, 10-inches from the principal structure which maintains sufficient separation per SMC 23.44.016D3a. Since all other development standards are met and maintained, and given the minimal increase, the requested variance does not go beyond the minimum necessary to afford relief. Since other properties in the vicinity have similarly sized and located garages, and exceed lot coverage, this is not a grant of special privilege. The above criterion is satisfied.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property. The proposal maintains the predominant vehicular access from the improved alley. Given the slightly wide garage opening of approximately 20-feet, some vehicle maneuvering can be accomplished inside the garage, and in combination with the 16-foot alley adequate backing and turning area is provided for the single-family use of the garage. Creating an additional on-site parking stall will also free an on-street parking space, which can be in high demand during events at the school one block to the south of the subject site. The above criterion is satisfied.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship or practical difficulties;*

The literal interpretation and strict application of the Land Use Code would cause undue hardship on the applicant, as the Land Use Code permits the location of a detached garage in a required rear yard, provided that it meets specific development standards for distance from the centerline of an alley, coverage, size, height, and separation. While a minimum of one on-site parking space must be provided for single-family use, the number of vehicles to be accommodated is not limited. The required 12-foot distance from the centerline of the alley and the 35% overall lot coverage limit would not allow the expansion of this garage, although the proposal meets all other standards. The applicant could demolish the existing structure and rebuild a new garage 2-feet east of its current location. This would be a practical difficulty to the applicant as the reuse and remodeling of the existing structure is desirable to maintain the 1901 aesthetic. The above criterion is satisfied.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The spirit and purpose of the Land Use Code recognizes flexibility as one of the important goals to allow the residents in single family zones maximum use and enjoyment of their homes. Granting the requested variance to allow the garage less than 12-feet from the centerline of the alley and an additional 1% of lot coverage for the expansion of the garage façade is consistent with the Land Use Code based on the analysis given above.

DECISION – VARIANCE:

Variance to permit an accessory structure (garage) to be less than 12 feet from the center line of the alley (10') 23.44.014D6; and a **Variance** to allow more than the maximum lot coverage (40.4%) 23.44.010C is **GRANTED**.

CONDITIONS

None.

Signature: (signature on file) Date: November 9, 2006
Samantha Updegrave, Land Use Planner